

**WEDNESDAY, APRIL 16, 2003**

**THIRTIETH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by the Reverend Chad Bell of Philadelphia Baptist Church in Waynesboro, Tennessee, a guest of Mr. Speaker Wilder.

**PLEDGE OF ALLEGIANCE**

Senator McLeary led the Senate in the Pledge of Allegiance to the Flag.

**MR. SPEAKER WILDER RELINQUISHES CHAIR**

Mr. Speaker Wilder relinquished the Chair to Senator Graves as Speaker pro tempore.

**OATH OF OFFICE OF SENATOR-ELECT**

The following Senator-elect, found to be duly elected and qualified, stood and was administered the oath prescribed by the Constitution of the State of Tennessee and Tennessee Code Annotated, Section 3-1-105 by Mr. Speaker Wilder.

Twelfth Senatorial District -- Tommy Kilby, representing Campbell, Fentress, Morgan, Rhea, Roane and Scott Counties.

**STANDING COMMITTEE APPOINTMENTS**

Pursuant to Senate Rules of Order, Rule 73, the Speaker appointed Senator Tommy Kilby to the following Standing Committees of the 103rd General Assembly:

Judiciary Committee  
Environment, Conservation and Tourism Committee  
Government Operations Committee

**ROLL CALL**

Whereupon, the Senate having been duly convened, the roll call was taken with the following results:

Present .....33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

**MOTION**

Senator Haynes moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 299**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 299** by Senator Haynes.  
Memorials, Public Service -- Senator Mike Walker.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 299** was adopted by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

**PRESENTATION**

Senator Haynes presented **Senate Joint Resolution No. 299** to Senator Mike Walker.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1 with amendments, 437 with amendments and 1753 with amendment.

HENRY, Chairperson  
April 15, 2003

The Speaker announced that he had referred Senate Bills Nos. 1 with amendments, 437 with amendments and 1753 with amendment to Committee on Calendar.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 172 with amendments, 174 with amendment, 302, 435 with amendment, 496 with amendment, 563 with amendment, 1088 with amendment, 1098 with amendment, 1312 with amendment, 1342, 1343, 1562 with amendments, 1854 with amendments, 1905 with amendments and 1923 with amendment.

COOPER, Chairperson  
April 15, 2003

The Speaker announced that he had referred Senate Bills Nos. 172 with amendments, 174 with amendment, 302, 435 with amendment, 496 with amendment, 563 with amendment, 1088 with amendment, 1098 with amendment, 1312 with amendment, 1342, 1343, 1562 with amendments, 1854 with amendments, 1905 with amendments and 1923 with amendment to Committee on Calendar.

#### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 310, 311 with amendment, 735 with amendment, 740, 783 with amendment, 882 with amendment, 1493 with amendment, 1943 and 1955; also, recommend that Senate Bill No. 784 and Senate Joint Resolution No. 15 with amendment be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson  
April 15, 2003

The Speaker announced that he had referred Senate Bills Nos. 310, 311 with amendment, 735 with amendment, 740, 783 with amendment, 882 with amendment, 1493 with amendment, 1943 and 1955 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 784 and Senate Joint Resolution No. 15 with amendment to Committee on Finance, Ways and Means.

#### **EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 116 with amendment, 166 with amendment, 1597 with amendment, 1975 and 1976.

McNALLY, Chairperson  
April 16, 2003

The Speaker announced that he had referred Senate Bills Nos. 116 with amendment, 166 with amendment, 1597 with amendment, 1975 and 1976 to Committee on Calendar.

#### **GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 16, 249, 509 with amendment and 1940 with amendment.

FORD, Chairperson  
April 16, 2003

The Speaker announced that he had referred Senate Bills Nos. 16, 249, 509 with amendment and 1940 with amendment to Committee on Calendar.

#### **TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1862 with amendment; also,

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recommend that Senate Bill No. 1913 with amendment and Senate Joint Resolutions Nos. 214, 241 and 242 be referred to the Committee on Finance, Ways and Means.

WILLIAMS, Chairperson  
April 16, 2003

The Speaker announced that he had referred Senate Bill No. 1862 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1913 with amendment and Senate Joint Resolutions Nos. 214, 241 and 242 to Committee on Finance, Ways and Means.

**ENVIRONMENT, CONSERVATION AND TOURISM**

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1115 with amendment and 1958 with amendment; and Senate Joint Resolutions Nos. 210, 211 and 212; also, recommend that Senate Bill No. 718 with amendment be referred to Committee on Finance, Ways and Means.

MILLER, Chairperson  
April 16, 2003

The Speaker announced that he had referred Senate Bills Nos. 1115 with amendment and 1958 with amendment; and Senate Joint Resolutions Nos. 210, 211 and 212 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 718 with amendment to Committee on Finance, Ways and Means.

**GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 944, 1471, 1475 and 1476; also, recommend that Senate Bill No. 700 be referred to Committee on Finance, Ways and Means.

HARPER, Chairperson  
April 16, 2003

The Speaker announced that he had referred Senate Bills Nos. 944, 1471, 1475 and 1476 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 700 to Committee on Finance, Ways and Means.

**INTRODUCTION OF BILL**

The Speaker announced that the following bill was filed for introduction and passed first consideration:

**Senate Bill No. 2019** by Senator Graves.

Portland -- Subject to local approval, authorizes city to impose impact fee. Amends Chapter 568 of the Private Acts of 1939; as amended by Chapter 123 of the Private Acts of 1970 and Chapter 107 of the Private Acts of 1981; and any other acts amendatory thereto.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 257** -- Nurses, Nursing -- Requires qualified person wanting certificate to practice as advanced practice nurse to apply to board of nursing for such certificate. Amends TCA Section 63-7-126.

**House Bill No. 948** -- Highway Signs -- "Trooper Kent Montgomery Memorial Highway", segment of S.R. 7 in Hickman County.

**House Bill No. 965** -- Disabled Persons -- Awards recycling grants from solid waste management fund to recycling centers if such facility employs persons with developmental disabilities. Amends TCA Section 68-211-825.

**House Bill No. 1029** -- Highway Signs -- Jesse Glynn Brasher, segment State Highway 114 in Decatur County.

**House Bill No. 1032** -- Regional Authorities and Special Districts -- Adds counties of Benton, Decatur and Hardin to West Tennessee river basin authority; clarifies that term for authority's board members appointed by Governor is six years or until successor appointed. Amends TCA Title 64, Chapter 1, Part 11.

**House Bill No. 1069** -- Medical Occupations -- Authorizes EMT-Ps to become EMTs by terminating their EMT-P license and taking any courses required to be qualified as EMT. Amends TCA Title 68, Chapter 140, Part 5.

**House Bill No. 1257** -- Campaigns and Campaign Finance -- Requires registry of election finance to create electronic filing system; requires registry to provide public access to list of campaign contributions made to candidates through Internet. Amends TCA Title 2, Chapter 10.

**House Bill No. 1676** -- Firefighters -- Requires that one member of emergency medical services board be person with certification as EMT-P, EMT, and registered nurse; such person is to be nominated by Tennessee professional firefighter association. Amends TCA Section 68-140-503.

**House Bill No. 1733** -- Purchasing -- Requires purchases of chemical products by state, county, or municipality to be from manufacturers that list and maintain material safety data sheet on Internet. Amends TCA Title 5, Chapter 14; Title 6, Chapter 56 and Title 12, Chapter 3.

**House Bill No. 1802** -- Taxes, Excise -- Changes minimum payment of quarterly franchise and excise tax installments from lesser of 25 percent of prior year's liability or 25 percent of 80 percent of current year's liability to lesser of 25 percent of tax shown on prior year's return or 25 percent of 100 percent of current year's liability and deletes obsolete provisions. Amends TCA Title 67, Chapter 4, Part 20.

**House Bill No. 1808** -- Revenue, Dept. of -- Extends certain authority to Commissioner of Revenue for purpose of contracting for collection of unpaid taxes and related amounts. Amends TCA Title 67, Chapter 1 and Title 67, Chapter 5.

**House Bill No. 1980** -- Special License Plates -- Authorizes issuance of new specialty earmarked license plates to promote breast cancer awareness; allocates 50 percent of funds derived from sale thereof to The Minnie Pearl Foundation to fund breast cancer research. Amends TCA Title 55, Chapter 4.

**House Bill No. 2036** -- Victims' Rights -- Adds Commissioner of Human Services to Victims of Crime State Coordinating Council. Amends TCA Section 40-38-403.

**House Bill No. 2037** -- Welfare -- Modifies federal waiver provisions related to implementation of welfare programs. Amends TCA Title 71.

**House Bill No. 2087** -- Maury County -- Subject to local approval, increases membership of civil service board for sheriff's employees from five to seven members. Amends Chapter 475 of the Private Acts of 1967-68; as amended.

**House Bill No. 2090** -- Portland -- Subject to local approval, revises provisions governing city attorney. Amends Chapter 568 of the Private Acts of 1939.

### **SENATE BILL ON SECOND CONSIDERATION**

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

**Senate Bill No. 2018** referred to Committee on Commerce, Labor and Agriculture.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 278** by Senator Jackson.

Memorials, Academic Achievement -- Christopher Brady Bledsoe, Valedictorian, Dickson County High School.

**Senate Joint Resolution No. 279** by Senator Kyle.

Memorials, Academic Achievement -- Yang Lin, Valedictorian, Frayser High School.

**Senate Joint Resolution No. 280** by Senator Kyle.

Memorials, Academic Achievement -- Tabitha Elizabeth Hamilton, Salutatorian, Frayser High School.

**Senate Joint Resolution No. 281** by Senator Williams.

Highway Signs -- Names bridge on State Route 346 in Hawkins County in honor of Randall G. Dykes.

**Senate Joint Resolution No. 282** by Senator Williams.

Memorials, Death -- Ruth Swann Goddard.

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**Senate Joint Resolution No. 283** by Senator Jackson.

Memorials, Academic Achievement -- Robert Patrick, Valedictorian, McEwen High School.

**Senate Joint Resolution No. 284** by Senator Jackson.

Memorials, Academic Achievement -- Cheryl Leigh Sesler, Salutatorian, Creek Wood High School.

**Senate Joint Resolution No. 285** by Senator Jackson.

Memorials, Academic Achievement -- Brittany Lynett Galloway, Salutatorian, Lewis County High School.

**Senate Joint Resolution No. 286** by Senator Jackson.

Memorials, Academic Achievement -- Megan Plunkett, Valedictorian, Hickman County High School.

**Senate Joint Resolution No. 287** by Senator Jackson.

Memorials, Academic Achievement -- Brian McCormick, Valedictorian, Creek Wood High School.

**Senate Joint Resolution No. 288** by Senator Jackson.

Memorials, Academic Achievement -- Kimberly Ann Morrow, Salutatorian, Hickman County High School.

**Senate Joint Resolution No. 289** by Senator Graves.

Memorials, Academic Achievement -- Beau Rader, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 290** by Senator Graves.

Memorials, Academic Achievement -- Jessica Raines, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 291** by Senator Graves.

Memorials, Academic Achievement -- Ashley N. Bassel, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 292** by Senator Graves.

Memorials, Academic Achievement -- Erin Stewart, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 293** by Senator Graves.

Memorials, Academic Achievement -- Jessica Arnold, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 294** by Senator Graves.

Memorials, Academic Achievement -- Jessica H. Ellis, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 295** by Senator Graves.

Memorials, Academic Achievement -- Meghan Oudman, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 296** by Senator Graves.

Memorials, Academic Achievement -- Jennifer Nicole Gann, Valedictorian, Springfield High School.

**Senate Joint Resolution No. 297** by Senator Graves.

Memorials, Academic Achievement -- William Blake Hooper, Valedictorian, East Robertson High School.

**Senate Joint Resolution No. 298** by Senator Graves.

Memorials, Academic Achievement -- Barrett Owen, Salutatorian, East Robertson High School.

**Senate Resolution No. 34** by Senator Kurita.

Memorials, Academic Achievement -- Michael Quinn Levy, Salutatorian, Academy for Academic Excellence.

**Senate Resolution No. 35** by Senator Kurita.

Memorials, Academic Achievement -- Ian Winters, Valedictorian, Clarksville Academy.

**Senate Resolution No. 36** by Senator Kurita.

Memorials, Academic Achievement -- Shaun Collins, Salutatorian, Clarksville Academy.

**Senate Resolution No. 37** by Senator Kurita.

Memorials, Academic Achievement -- Diana Morgan Yrabedra, Valedictorian, Academy for Academic Excellence.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 309** -- Memorials, Academic Achievement -- Taylor Barrett

Davidson, Valedictorian, Columbia Academy.

The Speaker announced that he had referred House Joint Resolution No. 309 to Committee on Calendar.

**House Joint Resolution No. 310** -- Memorials, Academic Achievement -- Katherine

Elizabeth Groce, Valedictorian, Columbia Academy.

The Speaker announced that he had referred House Joint Resolution No. 310 to Committee on Calendar.

**House Joint Resolution No. 311** -- Memorials, Academic Achievement -- Justin Hight,

Salutatorian, Culleoka High School.

The Speaker announced that he had referred House Joint Resolution No. 311 to Committee on Calendar.

**House Joint Resolution No. 312** -- Memorials, Academic Achievement -- Carmen Lunn,

Valedictorian, Culleoka High School.

The Speaker announced that he had referred House Joint Resolution No. 312 to Committee on Calendar.

**House Joint Resolution No. 313** -- Memorials, Academic Achievement -- Katie Marie

Dugger, Valedictorian, Mt. Pleasant High School.

The Speaker announced that he had referred House Joint Resolution No. 313 to Committee on Calendar.

**House Joint Resolution No. 314** -- Memorials, Academic Achievement -- Lindsay Haywood,

Salutatorian, Mt. Pleasant High School.

The Speaker announced that he had referred House Joint Resolution No. 314 to Committee on Calendar.



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**House Joint Resolution No. 315** -- Memorials, Academic Achievement -- Lucas R. Moss, Salutatorian, Columbia Central High School.

The Speaker announced that he had referred House Joint Resolution No. 315 to Committee on Calendar.

**House Joint Resolution No. 316** -- Memorials, Academic Achievement -- Annie Kathleen Smith, Valedictorian, Columbia Central High School.

The Speaker announced that he had referred House Joint Resolution No. 316 to Committee on Calendar.

**House Joint Resolution No. 317** -- Memorials, Academic Achievement -- Virginia Lee Kruckeberg, Salutatorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 317 to Committee on Calendar.

**House Joint Resolution No. 318** -- Memorials, Academic Achievement -- Jennifer Kim Reed, Valedictorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 318 to Committee on Calendar.

**House Joint Resolution No. 319** -- Memorials, Academic Achievement -- Catherine Lindsey Moore, Valedictorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 319 to Committee on Calendar.

**House Joint Resolution No. 320** -- Memorials, Academic Achievement -- Bryan Lewis Boggs, Valedictorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 320 to Committee on Calendar.

**House Joint Resolution No. 321** -- Memorials, Academic Achievement -- Stacey Clark, Salutatorian, Spring Hill High School.

The Speaker announced that he had referred House Joint Resolution No. 321 to Committee on Calendar.

**House Joint Resolution No. 322** -- Memorials, Academic Achievement -- Cristina Serrano, Valedictorian, Spring Hill High School.

The Speaker announced that he had referred House Joint Resolution No. 322 to Committee on Calendar.

**House Joint Resolution No. 323** -- Memorials, Academic Achievement -- Connesuela D. Stephens, Salutatorian, Christian Heritage Academy.

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The Speaker announced that he had referred House Joint Resolution No. 323 to Committee on Calendar.

**House Joint Resolution No. 324** -- Memorials, Academic Achievement -- Tiffany Oliver Goodpasture, Valedictorian, Christian Heritage Academy.

The Speaker announced that he had referred House Joint Resolution No. 324 to Committee on Calendar.

**House Joint Resolution No. 325** -- Memorials, Public Service -- Senator Robert Rochelle, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 325 to Committee on Calendar.

**House Joint Resolution No. 326** -- Memorials, Public Service -- Lana Bowman Ball, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 326 to Committee on Calendar.

**House Joint Resolution No. 327** -- Memorials, Public Service -- Tommy Haun, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 327 to Committee on Calendar.

**House Joint Resolution No. 328** -- Memorials, Public Service -- Matthew H. Kisber, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 328 to Committee on Calendar.

**House Joint Resolution No. 329** -- Memorials, Public Service -- Judith P. Medearis, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 329 to Committee on Calendar.

**House Joint Resolution No. 330** -- Memorials, Public Service -- Maynard Pate, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 330 to Committee on Calendar.

**House Joint Resolution No. 331** -- Memorials, Public Service -- Jim Rout, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 331 to Committee on Calendar.

**House Joint Resolution No. 332** -- Memorials, Public Service -- Mary Jo Dozier, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 332 to Committee on Calendar.

**House Joint Resolution No. 333** -- Memorials, Public Service -- Ruth E. Johnson, TACIR.

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The Speaker announced that he had referred House Joint Resolution No. 333 to Committee on Calendar.

**House Joint Resolution No. 334** -- Memorials, Public Service -- Truman Clark, TACIR.

The Speaker announced that he had referred House Joint Resolution No. 334 to Committee on Calendar.

**House Joint Resolution No. 335** -- Memorials, Public Service -- Nathan Stanley, Firefighter of the Year.

The Speaker announced that he had referred House Joint Resolution No. 335 to Committee on Calendar.

**House Joint Resolution No. 336** -- Memorials, Public Service -- Pegram Volunteer Fire Department.

The Speaker announced that he had referred House Joint Resolution No. 336 to Committee on Calendar.

**House Joint Resolution No. 338** -- Memorials, Sports -- Friendship Christian School girls' basketball.

The Speaker announced that he had referred House Joint Resolution No. 338 to Committee on Calendar.

**House Joint Resolution No. 339** -- Memorials, Sports -- Woody Hunt, 900th win as Cumberland University Baseball Head Coach.

The Speaker announced that he had referred House Joint Resolution No. 339 to Committee on Calendar.

**House Joint Resolution No. 340** -- Memorials, Academic Achievement -- Pamela Maxwell, Salutatorian, Middleton High School.

The Speaker announced that he had referred House Joint Resolution No. 340 to Committee on Calendar.

**House Joint Resolution No. 341** -- Memorials, Academic Achievement -- Natalie Taylor, Valedictorian, Middleton High School.

The Speaker announced that he had referred House Joint Resolution No. 341 to Committee on Calendar.

**House Joint Resolution No. 344** -- Memorials, Congratulations -- Johnson County High School Band Awards.

The Speaker announced that he had referred House Joint Resolution No. 344 to Committee on Calendar.

**House Joint Resolution No. 345** -- Memorials, Heroism -- Staff Sergeant Louis Holm.

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The Speaker announced that he had referred House Joint Resolution No. 345 to Committee on Calendar.

**House Joint Resolution No. 346** -- Memorials, Academic Achievement -- Victoria Lane Park, Summa Cum Laude, Loretto High School.

The Speaker announced that he had referred House Joint Resolution No. 346 to Committee on Calendar.

**House Joint Resolution No. 348** -- Memorials, Personal Achievement -- Jean Smith, Mother of the Year.

The Speaker announced that he had referred House Joint Resolution No. 348 to Committee on Calendar.

**Senate Joint Resolution No. 261** -- Memorials, Academic Achievement -- William Christopher Potts, Valedictorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 261 to Committee on Calendar.

**Senate Joint Resolution No. 262** -- Memorials, Academic Achievement -- Stephen Williams, Salutatorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 262 to Committee on Calendar.

**Senate Joint Resolution No. 263** -- Memorials, Academic Achievement -- Kristen Bentley, Valedictorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 263 to Committee on Calendar.

**Senate Joint Resolution No. 264** -- Memorials, Academic Achievement -- Nicholas Pruitt, Valedictorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 264 to Committee on Calendar.

**Senate Joint Resolution No. 265** -- Memorials, Public Service -- Marion Ray, Helping Hands of Dover.

The Speaker announced that he had referred Senate Joint Resolution No. 265 to Committee on Calendar.

**Senate Joint Resolution No. 266** -- Memorials, Sports -- Collierville High School cheerleaders.

The Speaker announced that he had referred Senate Joint Resolution No. 266 to Committee on Calendar.

**Senate Joint Resolution No. 267** -- Memorials, Sports -- Giles County High School, TSSAA Boys' Basketball State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 267 to Committee on Calendar.

**Senate Joint Resolution No. 268** -- Memorials, Academic Achievement -- Erica Jackson, Valedictorian, Lewis County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 268 to Committee on Calendar.

**Senate Joint Resolution No. 269** -- Memorials, Academic Achievement -- Leslie Kay Shepard, Salutatorian, Dickson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 269 to Committee on Calendar.

**Senate Joint Resolution No. 270** -- Memorials, Academic Achievement -- Leslie Bunt, Summa Cum Laude, Loretto High School.

The Speaker announced that he had referred Senate Joint Resolution No. 270 to Committee on Calendar.

**Senate Joint Resolution No. 271** -- Memorials, Academic Achievement -- Victoria Lane Park, Summa Cum Laude, Loretto High School.

The Speaker announced that he had referred Senate Joint Resolution No. 271 to Committee on Calendar.

**Senate Joint Resolution No. 272** -- Memorials, Sports -- Meredith Balthier, Vanderbilt Mascot.

The Speaker announced that he had referred Senate Joint Resolution No. 272 to Committee on Calendar.

**Senate Joint Resolution No. 273** -- General Assembly, Recess & Reconvene -- Recesses the Senate from Wednesday, April 16, 2003 until Monday, April 21, 2003.

The Speaker announced that he had referred Senate Joint Resolution No. 273 to Committee on Calendar.

**Senate Joint Resolution No. 274** -- Memorials, Professional Achievement -- W. Allan Jones, University of Tennessee at Chattanooga, Entrepreneurship Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 274 to Committee on Calendar.

**Senate Joint Resolution No. 275** -- Memorials, Professional Achievement -- Henry Luken, Entrepreneurship Hall of Fame.

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The Speaker announced that he had referred Senate Joint Resolution No. 275 to Committee on Calendar.

**Senate Joint Resolution No. 276** -- Memorials, Professional Achievement -- Val Hale, Brigham Young University.

The Speaker announced that he had referred Senate Joint Resolution No. 276 to Committee on Calendar.

**Senate Joint Resolution No. 277** -- Memorials, Professional Achievement -- Tom Holmoe, Brigham Young University.

The Speaker announced that he had referred Senate Joint Resolution No. 277 to Committee on Calendar.

**PRESENTATION**

Senator Ketron presented **Senate Joint Resolution No. 106** to Mr. John Lunn's family.

**NOTICE**

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

**MESSAGE FROM THE HOUSE**

April 14, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 461, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**CONSENT CALENDAR NO. 1**

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, April 21, pursuant to Rule 38: **Senate Bill No. 1313**.

**Senate Bill No. 216** -- Traffic Safety -- Enacts "Peter and Eugenia Campochiaro Highway Safety Act." Amends TCA Title 55, Chapter 8, Part 1.

**Senate Bill No. 1031** -- Sunset Laws -- Carroll County watershed authority, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1.

**Senate Bill No. 1468** -- Sunset Laws -- Interstate compact on detainers, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 31.

**Senate Bill No. 1474** -- Sunset Laws -- Committee for clinical perfusionists, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28.

**Senate Bill No. 1846** -- Railroads -- Empowers CSX to abandon railroad right-of-way in Davidson County.

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On motion, Senate Bill No. 1846 was made to conform with **House Bill No. 1747**.

On motion, House Bill No. 1747, on same subject, was substituted for Senate Bill No. 1846.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--32.

A motion to reconsider was tabled.

**MOTION**

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 273**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 273** -- General Assembly, Recess & Reconvene -- Recesses Senate from Wednesday, April 16, 2003 until Monday, April 21, 2003.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 273** was adopted by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**House Joint Resolution No. 297** -- Memorials, Personal Occasion -- Leda Mae Gentry Brumback, 80th birthday.

**House Joint Resolution No. 298** -- Memorials, Professional Achievement -- Sheryll Warner, Mt. Juliet Christian Academy Teacher of the Year.

**House Joint Resolution No. 299** -- Memorials, Professional Achievement -- Kathleen Vogel, Mt. Juliet Christian Academy Teacher of the Year.

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**House Joint Resolution No. 300** -- Memorials, Sports -- Giles Co. Basketball Class AA State Champions.

**House Joint Resolution No. 301** -- Memorials, Personal Occasion -- Virginia Dykes, 100th birthday.

**House Joint Resolution No. 303** -- Memorials, Professional Achievement -- Bluegrass Gospel Band "Harvest Time".

**House Joint Resolution No. 304** -- Memorials, Personal Achievement -- Ricky Harper, Boys and Girls Club of Chattanooga Youth of the Year Award.

**House Joint Resolution No. 305** -- Memorials, Professional Achievement -- Criminal Justice Society at East Tennessee State University.

**House Joint Resolution No. 306** -- Memorials, Public Service -- George Alvin Terry.

**House Joint Resolution No. 308** -- Memorials, Retirement -- Emmett H. Turner.

**Senate Joint Resolution No. 236** -- Memorials, Academic Achievement -- Mari Martin, Salutatorian, Gallatin High School.

**Senate Joint Resolution No. 237** -- Memorials, Academic Achievement -- Amanda Hester, Valedictorian, Gallatin High School.

**Senate Joint Resolution No. 252** -- Memorials, Academic Achievement -- Heather Bowington, Valedictorian, Jo Byrns School.

**Senate Joint Resolution No. 253** -- Memorials, Academic Achievement -- Kathryn Richards, Salutatorian, Jo Byrns School.

**Senate Joint Resolution No. 254** -- Memorials, Professional Achievement -- Gibson County Utility District, 50th anniversary.

**Senate Joint Resolution No. 256** -- Memorials, Academic Achievement -- April L. Sutherland, Valedictorian, Treadwell High School.

**Senate Joint Resolution No. 257** -- Memorials, Academic Achievement -- Phung Ngo, Salutatorian, Treadwell High School.

**Senate Joint Resolution No. 258** -- Memorials, Death -- George Allen Mills, Sr.

**Senate Resolution No. 30** -- Memorials, Congratulations -- Memphis Zoo, YaYa and LeLe Panda Bears.

**Senate Resolution No. 31** -- Memorials, Professional Achievement -- Ron Kerr.

**Senate Resolution No. 32** -- Memorials, Death -- Fred H. Holloway.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:



Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

### **CALENDAR**

**Senate Bill No. 151** -- Education, State Board of -- Requires one member of board be K-12 public school teacher. Amends TCA Section 49-1-301.

On motion, Senate Bill No. 151 was made to conform with **House Bill No. 455**.

On motion, House Bill No. 455, on same subject, was substituted for Senate Bill No. 151.

Senator McNally moved to amend as follows:

### **AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-301(a), is amended by deleting the last sentence of subdivision (4) in its entirety and by substituting instead the following:

Beginning with appointments made on or after January 1, 2004, at least one (1), but not more than one (1) appointed member of the board shall be employed, at the time of the appointment, as a K-12 public school teacher.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **House Bill No. 455**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0  
Present, not voting . . . 1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

**Senate Bill No. 682** -- Highway Signs -- Limits specific service sign categories to fuel and food at Exit 1 on I-75 in Hamilton County due to safety concerns. Amends TCA Title 54, Chapter 5, Part 11.

On motion, Senate Bill No. 682 was made to conform with **House Bill No. 1373**.

On motion, House Bill No. 1373, on same subject, was substituted for Senate Bill No. 682.

Senator Fowler moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1373** passed its third and final consideration by the following vote:

Ayes . . . . .	33
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Harper moved that **Senate Bill No. 1029** be placed on the calendar for Monday, April 21, 2003, which motion prevailed.

**Senate Bill No. 1114** -- Mobile Homes and Manufactured Buildings -- Authorizes cancellation of certificate of title; permits titling of previously canceled home; removes length restrictions on annual permit movements.

Senator Atchley moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-1-105, is amended by adding the following new subdivision:

(5) "Manufactured home" means any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body-feet or more in width or forty (40) or more body-feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban

Development and complies with the standards established by Title 42 of the United States Code. As defined herein, "manufactured home" also has the same meaning as "mobile home", as defined in Title 68, Chapter 126, and "manufactured home", as defined in § 47-9-102.

SECTION 2. Tennessee Code Annotated, Section 55-1-105(1), is amended by adding the following language at the end of the subdivision:

"Mobile home or house trailer" shall include any "manufactured home" as defined in subdivision (5).

SECTION 3. Tennessee Code Annotated, Section 55-3-101(a), is amended by adding the following new subdivision:

(8) No certificate of title need be obtained or maintained where the manufactured home is affixed to real property in accordance with § 55-3-138.

SECTION 4. Tennessee Code Annotated, Section 55-3-126(a), is amended by deleting the language "A lien" in the first sentence and by substituting instead the following:

Except as provided for manufactured homes complying with the requirements of Part 138 of this chapter, a lien

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-3-138. (a) If a manufactured home is affixed to a parcel of real property, as provided in the affidavit of affixation, and the legal ownership of the manufactured home and real property is identical, the owner may surrender the certificate of the title of such manufactured home to the Department of Safety for cancellation by providing the following documentation:

(1) The certificate of the title to the manufactured home, or each separate certificate of title if the manufactured home consists of more than one (1) unit, duly endorsed or otherwise showing the release of any lienholders noted on the certificate of title; or if the manufactured home is a new home not covered by a certificate of title, the manufacturer's statement or certificate of origin;

(2) A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home has become affixed conveying a fee simple or other legal ownership interest in the subject real property and which has been certified by the office of the register of deeds of the county in which the real property is located; and

(3) A certified copy of an affidavit of affixation executed by all persons who have such a legal ownership interest in the manufactured home and the real property to which the manufactured home has become affixed stating that the manufactured home is affixed to the real property described in the deed or other instrument which has been duly recorded in the office of the register of

deeds of the county in which the real property and manufactured home is located.

(b) The affidavit of affixation shall contain the following information:

(1) The names of all of the legal owners of the manufactured home and real property to which the manufactured home and real property to which the manufactured home has become affixed;

(2) The year built, manufacturer's name, model name or model number, serial number, length and width of the manufactured home;

(3) The physical address of the real property to which the manufactured home has become affixed;

(4) The legal description of the real property to which the manufactured home has become affixed;

(5) A statement that the manufactured home is to be taxed as an improvement to the real property;

(6) The name and mailing addresses of any lienholders holding consensual security interests in the manufactured home or whose liens have been noted upon any certificate of title covering the manufactured home;

(7) The decal number of the permit decal affixed to the manufactured home by virtue of § 68-126-406 or any successor statute, indicating that the manufactured home has been set up in accordance with the Uniform Standards Code adopted in Title 68, Chapter 126, Part 2, or if no decal has been affixed to the manufactured home, a statement that:

(A) All permits required by applicable governmental authorities have been obtained;

(B) The foundation system for the manufactured home complies with all laws, rules, regulations and codes and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and

(C) The wheels and axles have been removed.

(8) A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities such as electricity, water and gas;

(9) A statement of the preparer of the affidavit of affixation as required by § 66-24-115 or any successor statute; and

(10) Due acknowledgement of the signature of each affiant as required by Title 66, Chapter 22 or any successor statute.

Any affidavit of affixation containing the foregoing shall be recorded by the appropriate county register of deeds.

(c) Recordation of the affidavit of affixation containing the terms set forth in subsection (b) shall be *prima facie* evidence that the manufactured home has become affixed to the real property as an improvement to real property and shall satisfy the requirements of 11 USC § 1322(b)(2) or any successor statute, to the extent the manufactured home constitutes the owner's principal residence.

(d) The affidavit of affixation required pursuant to the provisions of this section shall be in substantially the following form:

THIS INSTRUMENT PREPARED BY:

\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT OF AFFIXATION  
(MANUFACTURED HOME)**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.:

**BEFORE ME**, the undersigned notary public, on this day personally appeared

[type the name(s) of each Homeowner signing this Affidavit]:

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "Homeowner"), and who, being by me first duly sworn, did each on his or her oath state as follows:

1. Homeowner(s) owns the manufactured home ("Home") described as follows:

New/Used	Year	Manufacturer's Name	Model Name and No.	Length/Width
----------	------	---------------------	--------------------	--------------

\_\_\_\_\_  
Manufacturer's Serial No.

2. The Home is or will be located at the following "Property Address":

Street or Route	City	County	State	Zip Code
-----------------	------	--------	-------	----------

5. The legal description of the real property where the Home is or will be permanently affixed ("Land") is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. The Homeowner(s) executing below is/are all the legal owner(s) of the real property to which the Home has become permanently affixed.

7. The Home shall be assessed and taxed as an improvement to the Land.

8. Check one:

A. \_\_\_\_ The Home bears permit decal number \_\_\_\_\_ (appearing in the inside cover of the electrical box for the Home), indicating that the Home has been "set up" in accordance with the Uniform Standards Code (Tennessee Code Annotated Section 68-126-406); OR

B. \_\_\_\_ (1) All permits required by applicable governmental authorities have been obtained;

(2) The foundation system for the Home complies with all laws, rules, regulations and codes and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and

(3) The wheels and axles have been removed.

9. The Home is permanently connected to a septic or sewer system and other utilities such as electricity, water and gas.

10. The Home is subject to the following security interests (each, a "Security interest"):

Name of Lienholder:

Name of Lienholder:

Address:

Address:

Original Principal Amount Secured:

Original Amount Secured:

11. Other than those disclosed in this Affidavit, the Homeowner is not aware of (i) any other claim, lien or encumbrance affecting the Home, (ii) any facts or information known to the Homeowner that could reasonably affect the validity of the Homeowner's title to the Home or the existence or non-existence of security interests in the Home.

This Affidavit is executed by Homeowner(s) pursuant to applicable state law and shall be recorded in the real property records in the County in which the Home is located.

Further Affiant(s) sayeth naught.

\_\_\_\_\_  
Homeowner #1

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Homeowner #2 (If more than one Homeowner)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Homeowner #3 (If more than two Homeowners)

\_\_\_\_\_  
Printed Name

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Personally appeared before me, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, \_\_\_\_\_, the within named person(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal at office, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**ATTENTION COUNTY REGISTER OF DEEDS: This instrument covers goods that are or are to become fixtures on or improvements to the Property described herein and is to be filed for record in the real estate records.**

SECTION 6. Tennessee Code Annotated, Title 55, Chapter 3, Part 1, is amended by adding the following language as a new section:

Section 55-3-139. If the legal owner of a manufactured home, and the real property to which the manufactured home has become affixed, desires a canceled certificate of title to be reissued, the legal owner shall:

- (1) Reapply for a new certificate pursuant to the provisions of this chapter;
- (2) Provide an abstract of land title showing legal ownership of the manufactured home and real property along with any mortgages recorded upon the real property;
- (3) For every lienholder listed on the abstract of land title, provide a lien release as to the manufactured home or lienor's statement that such lien is to be recorded on the face of the certificate of title for the manufactured home; and
- (4) Pay the required fee for the certificate of title for the manufactured home or for each component unit.

SECTION 7. Tennessee Code Annotated, Section 55-4-405(a), is amended by deleting the language "exceeding sixty feet (60') in length, including towing vehicle, except for vehicles being transported under an annual width permit, in which case a permit shall be required for the transport of any mobile home exceeding ninety feet (90') in length, including towing vehicle." and by substituting instead the following language "exceeding one hundred twenty feet (120') in length, including towing vehicle."

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Atchley moved to amend as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

AMEND by adding the following language as a new sentence at the end of subsection (b) of the amendatory §55-3-138 in Section 5 of the amendment:

A copy of the affidavit shall be filed with the assessor of property in order to assist in locating and identifying manufactured home for property tax purposes.

Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 1 was adopted by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **Senate Bill No. 1114**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

**RECALL OF BILL**

On motion of Senator Harper, **Senate Bill No. 1029** was recalled from the Committee on Calendar.



**REFERRAL**

On motion of Senator Harper, Senate Bill No. 1029 was rereferred to the Committee on Government Operations.

**CALENDAR**

**Senate Bill No. 1175 -- Taxes --** Extends 90-day extension of deadline for payment of property taxes and Hall income tax for military personnel on active duty outside United States during Operation Enduring Freedom to other hostilities where such personnel are entitled to combat compensation. Amends TCA Title 67.

On motion, Senate Bill No. 1175 was made to conform with **House Bill No. 1248**.

On motion, House Bill No. 1248, on same subject, was substituted for Senate Bill No. 1175.

Senator Kurita moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-1703, is amended by adding the following language as a new subsection (c):

(c)(1) No tax owed under this part by a person in the armed forces of the United States, or called into active military service of the United States, as defined in § 58-1-102, from a reserve or national guard unit, shall be due until ninety (90) days following the conclusion of hostilities in which such person is actually engaged outside the United States or ninety (90) days after such person is transferred from the theater of operations of such hostilities, whichever is sooner.

(2) A person claiming this delay shall present proof, satisfactory to the commissioner, of such person's deployment and stationing outside the United States during a period of hostilities and proof of such person's return from such deployment.

(3) This subsection shall expressly apply to personnel stationed outside the United States during Operation Enduring Freedom or other hostilities where the military personnel are entitled to combat compensation as determined by the United States Department of Defense.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-113, is amended by deleting the language "67-2-112(b) and 67-5-2011" wherever it appears and by substituting instead the language "67-2-112(b), 67-4-1703(c) and 67-5-2011".

On motion, the amendment was adopted.

Thereupon, **House Bill No. 1248**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Clabough moved that **Senate Bill No. 1199** be rereferred to the Committee on Calendar, which motion prevailed.

Senator McNally moved that **Senate Bill No. 1279** be placed on the calendar for Monday, April 21, 2003, which motion prevailed.

Senator Herron moved that **Senate Bill No. 1621** be placed on the calendar for Wednesday, April 23, 2003, which motion prevailed.

**Senate Bill No. 1722** -- Adoption -- Allows participants in relative caregiver program standing to file petition to terminate parental rights and to request termination of parental rights. Amends TCA Title 36, Chapter 1.

On motion, Senate Bill No. 1722 was made to conform with **House Bill No. 448**.

On motion, House Bill No. 448, on same subject, was substituted for Senate Bill No. 1722.

Senator Kurita moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Person moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(b), is amended by adding the language and punctuation ", including extended family members appointed by the court to care for the child," after the language, "prospective adoptive parent(s) of the child" and before the language, "any licensed child-placing agency".

SECTION 2. Tennessee Code Annotated, Section 36-1-113(b), is further amended by adding the language and punctuation ", including extended family members appointed by the court to care for the child," after the language "prospective adoptive parents," and before the language "shall have standing".

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

Senator Kurita moved that **House Bill No. 448** be placed on the calendar for Monday, April 21, 2003, which motion prevailed.

**Senate Bill No. 1765** -- Motor Vehicles -- Permits use of continuously flashing light systems on motorcycles; defines "continuously flashing light system" as system in which brake lamp pulses rapidly for 1-2 seconds when brake is applied, then converts to continuous light like normal brake lamp. Amends TCA Title 55, Chapter 9.

On motion, Senate Bill No. 1765 was made to conform with **House Bill No. 1819**.

On motion, House Bill No. 1819, on same subject, was substituted for Senate Bill No. 1765.

Senator Williams moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1819** passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1931** -- Taxes, Sales -- Requires dealer to file electronic tax payment when such dealer is consistently liable for \$10,000 or more within tax period; imposes \$500 penalty for each remittance or return improperly filed. Amends Tennessee Code Annotated, Title 67.

Senator Herron moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-504, is amended by adding the following new subsections:

( ) Notwithstanding any law to the contrary, when a taxpayer is consistently liable for ten thousand dollars (\$10,000) or more in taxes levied under this chapter, all returns required by this chapter and all payments related to such returns shall be filed and remitted electronically using a method approved by the commissioner. For purposes of this subsection, "consistently liable" means that the taxpayer's liability for any three (3) tax periods during any twelve (12) consecutive months has been \$10,000 or more. The requirement to file and remit electronically shall commence with the tax period immediately following the third tax period that the taxpayer's liability

has been \$10,000 or more during any twelve (12) consecutive months and shall continue thereafter until such time as the commissioner advises the taxpayer to file by another method.

( ) In addition to any other penalty provided by law, the commissioner shall assess any taxpayer required to file returns and remit payment by electronic means a penalty of five hundred dollars (\$500) for each instance of filing a return or remitting payment by any other means. Such penalty shall be subject to waiver under the provisions of Section 67-1-803.

SECTION 2. This act shall take effect upon becoming a law and shall apply to all tax periods beginning on or after January 1, 2004, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1931**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 1932** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 1977** -- Transportation, Dept. of -- Removes requirement that General Assembly authorize reorganization, creation, or elimination of any departmental units after July 1, 1981. Amends Tennessee Code Annotated, Section 4-3-2303(6).

Senator Williams moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-3-2303, is amended by deleting item (6) in its entirety and by substituting instead the following:

(6) Organize the department into such units as the commissioner deems necessary to carry out the duties and functions imposed on the commissioner and the department; any reorganization or creation or elimination of any units after July 1, 2003, shall be authorized by the state building commission, it being the intent of the General Assembly to recognize the organization of the department as of July 1, 2003, as the legal organization of the department except as the state building commission may otherwise approve.

**WEDNESDAY, APRIL 16, 2003 -- 30TH LEGISLATIVE DAY**

On motion, the amendment was adopted.

Senator Williams moved that **Senate Bill No. 1977**, as amended, be placed on the calendar for Monday, April 21, 2003, which motion prevailed.

**House Bill No. 744** -- County Officers -- Redesignates county executives as county mayors. Amends TCA Section 5-6-101.

**House Bill No. 744** passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator voting no was: Burks--1.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 65** be placed on the calendar for Wednesday, April 23, 2003, which motion prevailed.

**Senate Bill No. 1974** -- Education -- Provides that kindergarten may be considered mandatory program. Amends TCA Section 49-6-301.

**Senate Bill No. 1974** passed its third and final consideration by the following vote:

Ayes . . . . .	33
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

**MOTION**

Senator Kurita moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 335**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 335** -- Memorials, Public Service -- Nathan Stanley, Firefighter of the Year.

On motion of Senator Kurita, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 335** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Kurita moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 336**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 336** -- Memorials, Public Service -- Pegram Volunteer Fire Department.

On motion of Senator Kurita, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 336** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2018** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, April 22, 2003, which motion prevailed.

**MOTION**

Senator Burchett moved that **House Bill No. 744** be held on the Clerk's desk, which motion prevailed.

**MOTION**

Senator Person moved that Rule 83(8) be suspended for the purpose of allowing the Committee on Judiciary to meet immediately after session to hear **Senate Bill No. 64**, which motion prevailed.

**RECALL OF BILL**

On motion of Senator Person, **Senate Bill No. 427** was recalled from the Committee on Finance, Ways and Means.

**REFERRAL**

On motion of Senator Person, **Senate Bill No. 427** was referred to the Committee on Calendar.

**MOTION**

Senator Crutchfield moved that the Proposed Schedule for the week of April 21, 2003, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE  
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE  
FOR THE WEEK OF APRIL 21, 2003**

**MONDAY -- April 21**

5:00 p.m. Session -- Senate Chamber

**TUESDAY -- April 22**

8:30 a.m. -- 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. -- 12:30 p.m.	State & Local Government Committee
12:30 p.m. -- 1:30 p.m.	Lunch
1:30 p.m. -- 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. -- 5:30 p.m.	Judiciary Committee

**WEDNESDAY -- April 23**

8:00 a.m. -- 10:30 a.m.	Education Committee
10:30 a.m. -- 12:30 p.m.	General Welfare, Health & Human Resources
12:30 p.m. -- 1:30 p.m.	Lunch
1:30 p.m. -- 2:30 p.m.	Government Operations Committee
2:30 p.m.	Senate Caucuses
3:00 p.m.	Session -- Senate Chamber

**THURSDAY -- April 24**

9:00 a.m. Session -- Senate Chamber

**NOTE:** The Environment, Conservation & Tourism Committee has finished its business and will meet again only at the call of the Chair.  
The Transportation Committee will not meet this week.

**OTHER MEETINGS:**

Monday, April 21, 2003 -- Oversight Committee on TennCare  
3:00 -- 4:30 p.m. -- Room 12/14 LP

Monday, April 21, 2003 -- Tax Study Sub-Committee, Finance, Ways & Means  
1:00 p.m. -- Room 12/14 LP

Thursday, April 24, 2003 -- Sub-Committee on Tort Reform  
Immediately After Session -- Room 12/14 LP

**MOTION**

On motion of Senator Crowe, his name was added as prime sponsor of **Senate Bill No. 1207**.

On motion of Senator Person, his name was added as sponsor of **Senate Bill No. 1716**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 106 and 299; and Senate Bill No. 1175**.

On motion of Senators Haynes, Cooper, Crutchfield and Harper, their names were added as sponsors of **House Joint Resolution No. 308**.

On motion of Senator Cooper, his name was added as prime sponsor of **Senate Bill No. 1016**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolution No. 297**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 298 and 299; and Senate Joint Resolutions Nos. 236, 237, 252 and 253**.

On motion of Senators Crutchfield and Fowler, their names were added as sponsors of **House Joint Resolution No. 304**.

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolution No. 254 and Senate Resolution No. 30**.

**STANDING COMMITTEE REPORT**

**JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend that Senate Bill No. 64 be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson  
April 16, 2003

The Speaker announced that he had referred Senate Bill No. 64 to Committee on Finance, Ways and Means.

**ENGROSSED BILLS**

April 16, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 216, 1031, 1114, 1468, 1474, 1931 and 1974; and Senate Joint Resolutions Nos. 236, 237, 252, 253, 254, 256, 257, 258 and 299; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.



**ENGROSSED BILLS**

April 16, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 273, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 708 and 1980, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 526, 840 and 1936; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1561, 1727 and 2040; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 216, 217, 218, 219, 230, 231, 232, 234, 236, 237, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 273 and 299; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 337, 342, 343, 349, 350, 351, 352, 353, 354, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367,

**WEDNESDAY, APRIL 16, 2003 -- 30TH LEGISLATIVE DAY**

368, 369, 370, 371, 372, 373, 374, 375, 376 377, 378, 379, 380, 381, 382, 383, 384, 385, 386 and 396; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1691.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

April 16, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 613, 1850 and 2004; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 30, 31 and 32; and find same correctly enrolled and ready for the signature of the Speaker.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution Nos. 216, 217, 218, 219, 230, 231, 232, 234, 236, 237, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 273 and 299; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

April 15, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 536, 789, 1010, 1013, 1048, 1428 and 1951; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 297, 298, 299, 300, 301, 303, 304, 305, 306, 308, 335 and 336; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

April 16, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 613, 1850 and 2004; and House Bills Nos. 536, 789, 1010, 1013, 1048, 1428 and 1951.

**SIGNED**

April 17, 2003

The Speaker announced that he had signed the following: Senate Resolutions Nos. 30, 31 and 32.

**SIGNED**

April 17, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 297, 298, 299, 300, 301, 303, 304, 305, 306, 308, 335 and 336.

**SIGNED**

April 17, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 216, 217, 218, 219, 230, 231, 232, 234, 236, 237, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 273 and 299.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 613, 1850 and 2004; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 216, 217, 218, 219, 230, 231, 232, 234, 236, 237, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 273 and 299; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 613, 1691, 1850 and 2004; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 216, 217, 218, 219, 230, 231, 232, 234, 236, 237, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 273 and 299; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

April 16, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 134 and 280, with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 21, 2003: House Joint Resolutions Nos. 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 338, 339, 340, 341, 344, 345, 346 and 348; and Senate Joint Resolutions Nos. 116, 210, 211, 212, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276 and 277.

This the 17th day of April, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 21, 2003: Senate Bills Nos. 16, 302, 740, 944, 1342, 1343, 1471, 1475, 1476, 1943, 1955, 1976 and 1975.

This the 17th day of April, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 21, 2003: Senate Bills Nos. 437, 1, 509, 882, 1115, 1597 and 1958; House Bill No. 448; and Senate Bills Nos. 1977, 1279, 1313 and 1689.

This the 17th day of April, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

**LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Monday, April 21, 2003: Senate Bills Nos. 1997, 2005, 2007 and 2013.

**SENATE  
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Monday, April 21, 2003: Senate Bill No. 461.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn pursuant to **Senate Joint Resolution No. 273** until 5:00 p.m., Monday, April 21, 2003, which motion prevailed.